

**AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PALM DESERT AND HERMANN DESIGN GROUP**

**1. Parties and Date.**

This Amendment No. **3** to the made and entered into on **August 26, 2024**, between the City of Palm Desert (“City”) and **Hermann Design Group**, a **Corporation**, with its principal place of business at **77899 Wolf Road, Suite 102, Palm Desert, CA. 92201** (“Vendor”). The City and Vendor are sometimes individually referred to herein as “Party” and collectively as “Parties.”

**2. Recitals.**

2.1 Agreement. The City and **Hermann Design Group** have entered into an agreement entitled “Professional Services Agreement” dated **September 29, 2022**. (“Agreement” or “Contract”) for the purpose of retaining the services of **Hermann Design Group** to provide **landscape architecture services for Desert Willow**.

2.2 Amendment No. 3. The City and **Hermann Design Group** desire to amend the Agreement to **increase compensation to include additional services**.

2.3 Amendment Authority. This Amendment No. **3** is authorized pursuant to **Section 3.6.14** of the Agreement.

Amendment Number	Amendment Description	Amendment Date
1	increase compensation to include additional services	09/06/2023
2	extend term and increase compensation	07/25/2024

**3. Terms.**

3.1.1 Compensation. Section 3.3.1 of the Agreement is hereby amended in its entirety to read as follows:

"3.3.1 Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under Exhibit "C" of the original Agreement and in Exhibit "D" in Amendment No. 1, Exhibit "E" in Amendment No. 2, and Exhibit "F" attached hereto and incorporated herein by reference. The total compensation shall not exceed **Three-Hundred and Thirty-Six Thousand One-Hundred and Eighty-Five Dollars (\$336,185.00)** without written approval of the City Council or City Manager, as applicable."

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No. **3**, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. **3**. From and after the date of this Amendment No. **3**, whenever the term “Agreement” or “Contract” appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. **3**.

3.3 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No. **3**.

**Contract No. C44201**

3.4 Severability. If any portion of this Amendment No. **3** is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5 Counterparts. This Amendment No. **3** may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

**[SIGNATURES ON FOLLOWING PAGE]**

**SIGNATURE PAGE FOR AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PALM DESERT AND HERMANN DESIGN GROUP**

IN WITNESS WHEREOF, the Parties have entered into this Amendment No. 3 to the Professional Services Agreement as of the day and year first above written.

**CITY OF PALM DESERT**

By: <sup>Signed by:</sup>  
L. Todd Hileman  
CE3F366233F0405...  
L. Todd Hileman  
City Manager

Attest:  
By: <sup>Signed by:</sup>  
Anthony J. Mejia  
8063A189723D437...  
Anthony J. Mejia  
City Clerk

**HERMANN DESIGN GROUP, A CORPORATION.**

By: <sup>DocuSigned by:</sup>  
Chris Hermann  
/AAEE5211F904A1...  
Chris Hermann  
CEO/President

By: <sup>DocuSigned by:</sup>  
Kristin Hermann  
1FEDBA03200A493...  
Kristin Hermann  
CFO/Corporate Secretary

Approved as to form:

By: <sup>Signed by:</sup>  
Isra Shah  
3820DDF2EAC84B0...  
Isra Shah  
Best Best & Krieger LLP  
City Attorney

QC: <sup>DS</sup>  
MN

Insurance:

<sup>Initial</sup>  
CA  
Initial Review

<sup>Initial</sup>  
CA  
Final Approval



Hermann Design Group, Inc.  
 78365 Highway 111, PMB 332  
 La Quinta, CA 92253  
 760-777-9131 Phone / 760-777-9132 Fax

# Work Authorization

Date	WA #
8/19/2024	2024041R

Name / Address
VIA EMAIL City of Palm Desert 73-510 Fred Waring Drive Palm Desert, CA 92211

Description	Total
GREENS/TEE BOX RENOVATION DESERT WILLOW GOLF RESORT Landscape Architecture Services HDG Job No.: 22053.03  Contract C44200 Amendment 03 Firecliff Planting Enhancements  Hermann Design Group (HDG) will provide design services for planting enhancements requested by the City of Palm Desert for the Firecliff course (see Exhibit "A" for specifics). Scope of work includes site visit to confirm locations and sizes of areas to be enhanced and an opinion of probable cost for material and installation for each area. Design services will include planting plan with rock, decomposed granite, cobble, and boulders with an irrigation note to tie into existing systems. Existing performance irrigation specifications to be followed by contractor. Additional field observation services for this phase of the work is included in the scope of services. All other provisions of the original agreement shall apply herein; reimbursable expenses to be billed separately if incurred.  Planting Enhancement Design (Lump Sum)	8,500.00
Field Observation Services (Hourly)	3,500.00
Please sign and return via facsimile or email to <a href="mailto:kristin@hdg-inc.com">kristin@hdg-inc.com</a>	
<b>Total</b>	<b>\$12,000.00</b>